

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CASE NO. 3:22-CV-00686-HTW-LGI

THE CITY OF JACKSON, MISSISSIPPI

DEFENDANT

**ENTERGY MISSISSIPPI, LLC'S NOTICE OF RECEIPT OF ORDER,
LIMITED ENTRY OF APPEARANCE, AND
UNOPPOSED MOTION FOR EXTENSION OF TIME**

Third-party Entergy Mississippi, LLC ("EML") hereby files notice of its receipt of the Court's August 21, 2023 Order in this action (Doc. #48, hereinafter the "Order"), enters its appearance for the limited purpose of addressing the Order, and moves for a 20-day extension of time to comply. EML further states as follows:

1. Following an *ore tenus* motion made by JXN Water, Inc., the Court on August 21, 2023, issued an Order requiring EML to provide to JXN Water, Inc. the name, billing address, service address, home phone number, and cell phone number of EML customers residing in 32 zip codes within the cities of Jackson and Byram, all of which is considered confidential and sensitive customer information.

2. EML was not provided with prior notice of JXN Water, Inc.'s oral motion or invited to attend the proceeding at which the motion was made to present its concerns and objections to the Court.

3. On August 22, 2023, Ted Henifin, Interim Third-Party Manager for JXN Water, Inc., provided an e-mail copy of the Court's Order to EML Manager of Region Customer Service, Curnis Upkins.

4. EML files this Notice to acknowledge its receipt of the Order and state its objection to the process under which JXN Water, Inc. requested the Order; specifically that EML was denied its due process rights by JXN Water, Inc.'s failure to provide EML with an opportunity to present its concerns and objections regarding the production of confidential and sensitive customer information. *See, e.g., Price v. City of Junction, Tex.*, 711 F.2d 582, 589 (5th Cir. 1983).¹

5. Additionally, however, EML also advises the Court of its intent to work with JXN Water, Inc. to address the needs identified in the Order while also seeking to ensure the protection and confidentiality of the sensitive customer information required to be produced by EML under the Order.

6. To that end, EML respectfully requests a 20-day extension of time to comply with the Court's Order so that EML and JXN Water, Inc. can confer on the terms of a mutually agreeable Confidential and Non-Disclosure Agreement to ensure protection of confidential and sensitive customer information. JXN Water, Inc. has consented to the requested extension of time.

Respectfully submitted, this 15th day of September 2023.

ENTERGY MISSISSIPPI, LLC

/s/ Christopher R. Shaw

CHRISTOPHER R. SHAW

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¹ EML believes a subpoena for documents, issued and served pursuant to Rule 45 of the Federal Rules of Civil Procedure, would have satisfied those due process requirements and allowed EML to raise its objections. *Heseltan v. Espinoza*, 2023 WL 4132999, at *2 (S.D. Ill. June 22, 2023) ("Rule 45 requires the [c]ourt to afford special consideration to the procedural and substantive rights of the non-parties involved in discovery disputes.").

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CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the foregoing pleading via the ECF filing system, which sent electronic notification of such filing to all counsel of record.

This 15th day of September 2023.

/s/ Christopher R. Shaw
CHRISTOPHER R. SHAW